

109TH CONGRESS
2D SESSION

H. R. 5568

To establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2006

Ms. NORTON introduced the following bill; which was referred to the
Committee on Armed Services

A BILL

To establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia
5 National Guard Retention and College Access Act”.

1 **SEC. 2. DISTRICT OF COLUMBIA NATIONAL GUARD EDU-**
2 **CATIONAL ASSISTANCE PROGRAM.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The District of Columbia National Guard is
6 under the exclusive jurisdiction of the President of
7 the United States as Commander-in-Chief and, un-
8 like other National Guards, is permanently federal-
9 ized.

10 (2) The District of Columbia National Guard is
11 unique and differs from the National Guards of the
12 several States in that the District of Columbia Na-
13 tional Guard is responsible, not only for residents of
14 the District of Columbia, but also for a special and
15 unique mission and obligation as a result of the ex-
16 tensive presence of the Federal Government in the
17 District of Columbia.

18 (3) Consequently, the President of the United
19 States, rather than the chief executive of the Dis-
20 trict of Columbia, is in command of the District of
21 Columbia National Guard, and only the President
22 can call up the District of Columbia National Guard
23 even for local emergencies.

24 (4) The District of Columbia National Guard
25 has been specifically trained to address the unique
26 emergencies that may occur regarding the presence

1 of the Federal Government in the District of Colum-
2 bia.

3 (5) The great majority of the members of the
4 District of Columbia National Guard actually live in
5 Maryland or Virginia, rather than in the District of
6 Columbia.

7 (6) The District of Columbia National Guard
8 has been experiencing a disproportionate decline in
9 force in comparison to the National Guards of Mary-
10 land and Virginia.

11 (7) The States of Maryland and Virginia pro-
12 vide additional recruiting and retention incentives,
13 such as educational benefits, in order to maintain
14 their force, and their National Guards have drawn
15 recruits from the District of Columbia at a rate that
16 puts at risk the maintenance of the necessary force
17 levels for the District of Columbia National Guard.

18 (8) Funds for an educational benefit for mem-
19 bers of the District of Columbia National Guard
20 would provide an incentive to help reverse the loss
21 of members to nearby National Guards and allow for
22 maintenance and increase of necessary District of
23 Columbia National Guard personnel.

24 (9) The loss of members of the District of Co-
25 lumbia National Guard could adversely affect the

1 readiness of the District of Columbia National
2 Guard to respond in the event of a terrorist attack
3 on the capital of the United States.

4 (b) EDUCATIONAL ASSISTANCE PROGRAM AUTHOR-
5 IZED.—The commanding general of the District of Colum-
6 bia National Guard (in this section referred to as the
7 “commanding general”) may provide financial assistance
8 under this section to a member of the District of Columbia
9 National Guard who has satisfactorily completed required
10 initial active duty service and executes a written agree-
11 ment to serve in the District of Columbia National Guard
12 for a period of not less than six years, to assist the mem-
13 ber in covering expenses incurred by the member while en-
14 rolled in an approved institution of higher education to
15 pursue the member’s first undergraduate, masters, voca-
16 tional, or technical degree or certification.

17 (c) MAINTENANCE OF ELIGIBILITY.—To continue to
18 be eligible for financial assistance under this section, a
19 member of the District of Columbia National Guard
20 must—

21 (1) be satisfactorily performing duty in the Dis-
22 trict of Columbia National Guard in accordance with
23 regulations of the National Guard;

24 (2) be enrolled on a full-time or part-time basis
25 (at least three, but less than twelve credit hours per

1 semester) in an approved institution of higher edu-
2 cation; and

3 (3) maintain satisfactory progress in the course
4 of study the member is pursuing, determined in ac-
5 cordance with section 484(c) of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1091(c)).

7 (d) COVERED EXPENSES.—Financial assistance re-
8 ceived by a member of the District of Columbia National
9 Guard under this section may be used to cover—

10 (1) tuition and fees charged by an approved in-
11 stitution of higher education involved;

12 (2) the cost of books; and

13 (3) laboratory expenses.

14 (e) AMOUNT OF ASSISTANCE.—The amount of finan-
15 cial assistance provided to a member of the District of Co-
16 lumbia National Guard under this section may be up to
17 \$400 per credit hour, but not to exceed \$5,500 per year.
18 If the commanding general determines that the amount
19 available to provide assistance under this section in any
20 year will be insufficient, the commanding general may re-
21 duce the maximum amount of the assistance authorized,
22 or set a limit on the number of participants, to ensure
23 that amounts expended do not exceed available amounts.

24 (f) RELATION TO OTHER ASSISTANCE.—A member
25 of the District of Columbia National Guard may receive

1 financial assistance under this section in addition to as-
2 sistance provided under any other provision of law, except
3 that the member may not receive financial assistance
4 under this section if the member receives a Reserve Officer
5 Training Corps scholarship.

6 (g) ADMINISTRATION.—The commanding general, in
7 consultation with approved institutions of higher edu-
8 cation, shall develop policies and procedures for the ad-
9 ministration of this section. Nothing in this section shall
10 be construed to require an institution of higher education
11 to alter the institution's admissions policies or standards
12 in any manner to enable a member of the District of Co-
13 lumbia National Guard to enroll in the institution.

14 (h) REPAYMENT.—A member of the District of Co-
15 lumbia National Guard who receives assistance under this
16 section and who, voluntarily or because of misconduct,
17 fails to serve for the period covered by the agreement re-
18 quired by subsection (b) or fails to comply with the eligi-
19 bility conditions specified in subsection (c) shall be subject
20 to the repayment provisions of section 303a(e) of title 37,
21 United States Code.

22 (i) FUNDING SOURCES AND GIFTS.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—

24 There are authorized to be appropriated to the Dis-
25 trict of Columbia such sums as may be necessary to

1 enable the commanding general to provide financial
2 assistance under this section. Funds appropriated
3 pursuant to this authorization of appropriations
4 shall remain available until expended.

5 (2) TRANSFER OF FUNDS.—The commanding
6 general may accept the transfer of funds from Fed-
7 eral agencies and use any funds so transferred for
8 purposes of providing assistance under this section.
9 There is authorized to be appropriated to the head
10 of any executive branch agency such sums as may
11 be necessary to permit the transfer of funds to the
12 commanding general to provide financial assistance
13 under this section.

14 (3) DONATIONS.—The commanding general
15 concerned may accept, use, and dispose of donations
16 of services or property for purposes of providing as-
17 sistance under this section.

18 (j) DEFINITION.—In this section, the term “approved
19 institution of higher education” means an institution of
20 higher education (as defined in section 102 of the Higher
21 Education Act of 1965 (20 U.S.C. 1002)) that—

22 (1) is eligible to participate in the student fi-
23 nancial assistance programs under title IV of the
24 Higher Education Act of 1965 (20 U.S.C. 1070 et
25 seq.); and

1 (2) has entered into an agreement with the
2 commanding general containing an assurance that
3 funds made available under this section are used to
4 supplement and not supplant other assistance that
5 may be available for members of the District of Co-
6 lumbia National Guard.

7 (k) IMPLEMENTATION OF PROGRAM.—Financial as-
8 sistance may be provided under this section to eligible
9 members of the District of Columbia National Guard for
10 periods of instruction that begin on or after January 1,
11 2007.

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